

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Mississippi

THE STATE OF MISSISSIPPI, EX REL., JIM HOOD

)

Plaintiff

)

v.

Civil Action No. 3:08cv780-CWR-LRA

ENTERGY MISSISSIPPI, INC., ET AL.

)

Defendant

)

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

Bates White, LLC

c/o Charles Bates, registered agent, 1111 23rd Street, N.W., #8F, Washington, DC 20037

(Name of person to whom this subpoena is directed)

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

See Attached Notice of Deposition

Place: Bradley Arant Boult Cummings LLP 1615 L Street, N.W., Suite 1350, Washington, DC 20036	Date and Time: April 24, 2018 at 2:00 p.m.
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The deposition will be recorded by this method: court reporter

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material: The Deponent is directed to bring all documents identified in the attached deposition notice.

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: April 9, 2018

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Defendants Entergy Mississippi, Inc., et al., who issues or requests this subpoena, are:

Roy D. Campbell, III; 188 East Capitol Street, Suite 400, Jackson, MS 39201; rcampbell@bradley.com; 601-592-9934

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

EXHIBIT

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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

THE STATE OF MISSISSIPPI EX REL.)
JIM HOOD, ATTORNEY GENERAL)
FOR THE STATE OF MISSISSIPPI,)
Plaintiff-Counterclaim Defendant,)
v.)
ENTERGY MISSISSIPPI, INC., ENTERGY)
CORPORATION, ENTERGY SERVICES,)
INC., AND ENTERGY POWER, INC.,)
Defendants-Counterclaim Plaintiffs.) No. 3:08-CV-780-CWR-LRA

NOTICE OF RULE 30(b)(6) DEPOSITION OF BATES WHITE, LLC

PLEASE TAKE NOTICE that Defendants Entergy Mississippi, Inc., Entergy Corporation, Entergy Services, Inc. and Entergy Power, Inc. ("Defendants") will take the deposition of Bates White, LLC, beginning at 2:00 p.m. on Tuesday, April 24, 2018, at the offices of Bradley Arant Boult Cummings LLP, 1615 L Street, N.W., Suite 1350, Washington, D.C., 20036, before a Notary Public or some other officer authorized to administer oaths, and continuing thereafter until completed. You are invited to appear and take part in the examination as you deem appropriate.

Pursuant to Federal Rule of Civil Procedure 30(b)(6), you are directed to designate one or more individuals who consent to give deposition testimony on the topics listed on Exhibit "A" attached hereto.

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As commanded by the Subpoena to Testify at a Deposition in a Civil Action you, or your representatives, must also bring to the deposition those documents and records listed on Exhibit "B" attached hereto.

RESPECTFULLY SUBMITTED, this 3rd day of April, 2018.

ENTERGY MISSISSIPPI, INC.,
ENTERGY CORPORATION, ENTERGY
SERVICES, INC. AND ENTERGY
POWER, INC., Defendants

By /s/ Roy D. Campbell, III

Roy D. Campbell, III (MSB 5562)
J. William Manuel (MSB 9891)
Alicia N. Netterville (MSB 105055)
BRADLEY ARANT BOULT
CUMMINGS LLP
One Jackson Place
188 East Capitol Street, Suite 400
P.O. Box 1789
Jackson, MS 39215-1789
Telephone: (601) 948-8000
Facsimile: (601) 948-3000
rcampbell@bradley.com
wmanuel@bradley.com
anetterville@bradley.com

James L. Robertson (MSB 5612)
Charles E. Ross (MSB 5683)
Rebecca Hawkins (MSB 8786)
WISE CARTER CHILD &
CARAWAY, P.A.
Post Office Box 651
Jackson, MS 39205-0651
(601) 968-5534 – Telephone
(601) 944-7738 – Facsimile
jlr@wisecarter.com
cer@wisecarter.com
nwh@wisecarter.com

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OF COUNSEL:

Tianna H. Raby, MSB #100256
Christopher R. Shaw, MSB #100393
ENTERGY MISSISSIPPI, INC.
308 E. Pearl Street, Suite 700 (39201)
Mail Unit M-ELEC-4A
P.O. Box 1640
Jackson, MS 39215-1640
(601) 969-2656 – Telephone
(601) 969-2696 – Facsimile
traby@entergy.com
cshaw4@entergy.com

John A. Braymer, *Pro Hac Vice*
Associate General Counsel
ENTERGY SERVICES, INC.
639 Loyola Avenue, Suite 2600
New Orleans, LA 70133
jbrayme@entergy.com

CERTIFICATE OF SERVICE

I do hereby certify that I have this day electronically filed the foregoing with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel of record.

This 3rd day of April, 2018.

/s/ Roy D. Campbell, III
OF COUNSEL

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Topics (and Definitions) for F. R. Civ. P. 30(b)(6) Deposition

In accordance with the provisions of F. R. Civ. P. 30(b)(6), the topics listed below, numbered 1-4, are those on which the deposition will be conducted and the following definitions are applicable to those topics:

Definitions

As used in those topics, the word "Records" refers to all of the following:

- A. Report prepared by Bates White, LLC, entitled "Evaluation of the Entergy Mississippi Proposal to Join MISO, Report to the Mississippi Public Service Commission," dated July 6, 2012, filed in Mississippi Public Service Commission Docket 2011-UA-376.
- B. Supplemental report of Bates White, LLC, entitled "Evaluation of the Entergy Mississippi Proposal to Join MISO, Report to the Mississippi Public Service Commission," dated July 11, 2012, filed in Mississippi Public Service Commission Docket 2011-UA-376.
- C. Presentation of Bates White, LLC entitled "Evaluation of Entergy Mississippi's Proposal to Join MISO/MPSC Technical Conference," dated July 16, 2012.
- D. Report prepared by Bates White, LLC, entitled "Evaluation of the Entergy Mississippi Proposal to Join MISO, Report to the Mississippi Public Service Commission, REVISED," dated August 26, 2012, filed in Mississippi Public Service Commission Docket 2011-UA-376.
- E. Invoice No. 9085 dated May 23, 2012, with time detail, issued to Mr. Joel Bennett, Director of Finance and Personnel, Mississippi Public Service

EXHIBIT "A"

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Commission, re MPSC Entergy Application Review, reflecting fees and expenses in the total amount of \$234,698.10.

F. Invoice No. 9561 dated September 11, 2012, with time detail, issued to Mr. Joel Bennett, Director of Finance and Personnel, Mississippi Public Service Commission, re MPSC Entergy Application Review, reflecting fees and expenses in the total amount of \$362,512.79.

G. Invoice No. 9818 dated December 18, 2012, with time detail, issued to Mr. Joel Bennett, Director of Finance and Personnel, Mississippi Public Service Commission, re MPSC Entergy Application Review, reflecting fees and expenses in the total amount of \$96,142.23.

H. Any other reports and invoices, and correspondence, prepared by Bates White, LLC related to the matters set forth in A through G above.

Topics

1. The general nature of the business of and consulting work performed by Bates White, LLC.
2. The purpose for which Bates White, LLC was retained by and performed work for the Mississippi Public Service Commission in 2012 relative to Entergy Mississippi, Inc.
3. Whether the Records are maintained by Bates White, LLC as records of an act, project, undertaking, report, presentation, and/or opinion(s) of Bates White, LLC (including its employees identified in those records).

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4. Whether the Records were made at or near the time indicated by (or from information transmitted by) someone with knowledge.
5. Whether the Records are kept in the course of the regularly conducted activity of Bates White, LLC.
6. Whether making the Records was a regular practice of Bates White, LLC.
7. The names of those who participated in researching, compiling, preparing, drafting, supplementing, and/or revising the Records, and their respective roles and contributions.
8. The accuracy and/or reliability of the facts, data and information contained in the Records.
9. The accuracy and/or reliability of any opinions expressed and/or conclusions reached in the Records, that is, whether or not the opinions and conclusions are based upon a reasonable degree of economic certainty.

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Documents to be Brought to Deposition

In accordance with the Subpoena to Testify at a Deposition in a Civil Action served on Bates White, LLC, the documents to be brought to the Rule 30(b)(6) deposition are as follows:

1. Report prepared by Bates White, LLC, entitled "Evaluation of the Entergy Mississippi Proposal to Join MISO, Report to the Mississippi Public Service Commission," dated July 6, 2012, filed in Mississippi Public Service Commission Docket 2011-UA-376.
2. Supplemental report of Bates White, LLC, entitled "Evaluation of the Entergy Mississippi Proposal to Join MISO, Report to the Mississippi Public Service Commission," dated July 11, 2012, filed in Mississippi Public Service Commission Docket 2011-UA-376.
3. Presentation of Bates White, LLC entitled "Evaluation of Entergy Mississippi's Proposal to Join MISO/MPSC Technical Conference," dated July 16, 2012.
4. Report prepared by Bates White, LLC, entitled "Evaluation of the Entergy Mississippi Proposal to Join MISO, Report to the Mississippi Public Service Commission, REVISED," dated August 26, 2012, filed in Mississippi Public Service Commission Docket 2011-UA-376.
5. Invoice No. 9085 dated May 23, 2012, with time detail, issued to Mr. Joel Bennett, Director of Finance and Personnel, Mississippi Public Service Commission, re MPSC Entergy Application Review, reflecting fees and expenses in the total amount of \$234,698.10.

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6. Invoice No. 9561 dated September 11, 2012, with time detail, issued to Mr. Joel Bennett, Director of Finance and Personnel, Mississippi Public Service Commission, re MPSC Entergy Application Review, reflecting fees and expenses in the total amount of \$362,512.79.

7. Invoice No. 9818 dated December 18, 2012, with time detail, issued to Mr. Joel Bennett, Director of Finance and Personnel, Mississippi Public Service Commission, re MPSC Entergy Application Review, reflecting fees and expenses in the total amount of \$96,142.23.

8. Any other reports and invoices, and any correspondence, prepared by Bates White, LLC related to the matters set forth in 1 through 7 above.